

## **REMARKS**

In the Office Action claims 1-20 are pending. By way of the present response Applicant has: 1) amended claims 2 and 9; 2) added no claims; and 3) canceled no claims. As such, claims 1-20 remain pending. Applicant respectfully requests reconsideration and the allowance of all claims now presented.

### **I. Claim Objections**

The Office Action has objected to claims 2 and 9 because both end with “..” which is improper claim format. Applicant has amended the claims and respectfully requests withdrawal of the objections.

### **II. Claim Rejections 35 U.S.C. § 102**

Claims 1, 2, 5- 9 and 12-20 are rejected under 35 U.S.C. § 1023(e) as being anticipated by Watanabe, U.S. Pat. No. 7,225,269 (hereinafter “Watanabe”). With this response, Applicant is not admitting that Watanabe is prior art and expressly reserves the right to swear behind the reference at a later date.

#### **a. Independent claims 1 and 8**

The Office Action has rejected independent claims 1 and 8 as being anticipated by Watanabe. See Office Action, p. 2. Applicant respectfully disagrees with the rejection for the following independent reasons. It is axiomatic that to anticipate a claim, each limitation of the claim must be disclosed in a single prior art

reference. Applicant submits that the Watanabe reference at least fails to disclose the following bolded limitations contained in exemplary claim1:

1. ***A method in a single network element***, the method comprising:
  - receiving, at the network element, a packet from a remote client, the packet being addressed to a destination;***
  - examining, based on one or more policies associated with the packet, to determine whether the packet should be redirected to another destination;***
  - forwarding the packet, via a logical interface, to a redirect facility within the network element if the packet should be redirected to another destination;***
  - and***
  - forwarding a return packet from the redirect facility to the remote client, the return packet including a redirect address associated with another destination.***

Claim 8 contains substantially the same limitations, and so claims 1 and 8 will be discussed as a group.

The limitation, "[a] method in a single network element," expressly requires that all the claimed limitations be performed in a single network element. The term, "network element," is known in the art and refers to a physical network device such as a router, bridge, switch, or etcetera. The Office Action has cited Watanabe's "administration center" of figure 8 as teaching the claimed limitations. Accordingly, Applicant understands the Office Action's position to be that the administration center of figure 8 is the single network element that performs the recited claim limitations. However, Applicant has reviewed the cited sections of Watanabe and has been unable to discern any part of the Watanabe reference that teaches or fairly suggests a single network element in which each of the claim

limitations is performed. Rather, Watanabe discloses at least two network elements, network gateway device 4 and administration center 1, that work together to perform the functionality asserted by the Office Action. The network gateway device 4 is not physically part of the administration center 1 and vice versa. The two network elements are connected across a network connection that includes an external network 2. The claims require the two devices be physically located within one network element or box. This is not the same thing as what Watanabe describes. For example, Watanabe describes the two network elements communicating with each other by transferring packets over a network. See e.g., Watanabe, col. 3, lines 37-42; col. 4, lines 10-18; col. 4, lines 44-52; and col. 9, lines 13-17. Since the network gateway device 4 and the administration center 1 forward packets back and forth to each other over an external network 2, it is not possible for the two network elements to be physically located within a single network element. As such, it is impossible for the two network elements to perform a "method in a single network element" as recited by the claims. Watanabe does not perform the above limitations recited in exemplary claim 1 within a single network element. Specifically, Watanabe's administration center 1 at least does not perform, "forwarding a return packet from the redirect facility to the remote client, the return packet including a redirect address associated with another destination," because components of the network gateway device 4 perform this function in the Watanabe reference. See e.g., Watanabe, col. 3, lines 57-61; Fig. 4 and col. 6, lines 22-25. Thus, the forwarding of packets back to the remote clients in

Watanabe is performed by relaying the packets from the network gateway device 4 to the network to be protected 5 where the remote clients are located (remote clients reside at the in-home network 51).

Thus, Applicant believes Watanabe does not teach or suggest any method performed within "[a] single network element." Therefore, Applicant does not believe that Watanabe teaches each limitation required by the claims. If the Office Action maintains this rejection, it is respectfully requested that the Office Action clearly explain or indicate where in the Watanabe reference this limitation of claims 1 and 8 is taught. Accordingly, reconsideration and withdrawal of the anticipation rejections of claims 1 and 8 is requested. Additionally, Applicant respectfully requests withdrawal of the claim rejections pertaining to the associated dependent claims.

Also, please note that because the Watanabe reference does not perform the asserted operations within a single network element as recited in Applicant's claims 1 and 8, there is no need to discuss the substance of the Office Actions arguments with respect to the remaining limitations on the merits. As a result, Applicant submits that Applicant is in no way acquiescing to the Office Action's other assertions as they pertain to the remaining limitations contained within Applicant's claims 1 and 8.

**a. Independent claims 15**

The Office Action has rejected independent claim 15 as being anticipated by Watanabe. See Office Action, p. 2. Applicant respectfully disagrees with the rejection. It is axiomatic that to anticipate a claim, each limitation of the claim must

be disclosed in a single prior art reference. Applicant submits that the Watanabe reference at least fails to disclose the following bolded limitations contained in claim 15 (as amended):

15. ***A single network element, comprising:  
a control engine having a redirect unit to redirect  
packets based on one or more routing policies  
associated with the packets; and  
a forwarding engine coupled to the control engine to  
receive a packet from a remote client and to  
forward the packet to the redirect unit of the  
control engine for redirect processes.***

Applicant submits that the arguments above with respect to the Watanabe reference not performing the recited limitations in claims 1 and 8 within a single network element apply equally to claim 15. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the claim rejections for the same reasons as above with respect to claims 1 and 8. Additionally, Applicant respectfully requests withdrawal of the claim rejections pertaining to the associated dependent claims.

**CONCLUSION**

Applicant respectfully submits that all rejections have been overcome by the remarks and that all pending claims are in condition for allowance. Accordingly, Applicant respectfully requests withdrawal of the claim rejections.

**Invitation for a telephone interview**

If a telephone conference would facilitate the prosecution of this application, Examiner is invited to contact Matt Hindman at (408) 720-8300. If there are any additional charges, please charge Deposit Account No. 02-2666 for any fee deficiency that may be due.

Respectfully Submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

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